

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TIMOTHY B. WILKS,

Plaintiff,

v.

Case No. 15-CV-0344

NEVIN WEBSTER,
LINDA ALSUM O'DONOVAN, and
CATHY A. JESS,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL (DOC. 54)

On February 3, 2017, plaintiff filed a motion for recusal in three of his pending cases on the ground that this court's "failure to adjudicate current motion filings before the court are acts more adversely bias to the outcome of his interests than the prison official defendant parties." Additionally, plaintiff asserts that any further delay in ruling on the cross-motions for summary judgment will delay "initiation of permissible State statutory activity seeking newly discovered ex-exculpatory DNA testing evidence of actual innocence for his criminal conviction." It should be noted that plaintiff is objecting to rulings that were made in his 2000 criminal case and to orders entered in his other civil matters. *See Liteky v. United States*, 510 U.S. 540, 114 S. Ct. 1147, 1157, 127 L. Ed. 2d 474 (1994) ("Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion."). In the above-referenced case, plaintiff filed a motion for summary judgment on March 29, 2016, but then proceeded to file eight other motions while the parties were briefing summary judgment. Those motions have been resolved, and the cross-motions for summary judgment will be ruled on forthwith. Having come forward with no evidence of personal

bias, impartiality or circumstances warranting recusal under 28 U.S.C. § 455 or any other federal statute,

IT IS ORDERED that plaintiff's motion for recusal is denied.

Dated at Milwaukee, Wisconsin, this 8th day of February, 2017.

BY THE COURT

s/C. N. Clevert, Jr.
C. N. Clevert, Jr.
U.S. District Judge